IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
CHAMBER SUMMONS NO.758 OF 2007
IN
EXECUTION APPLICATION NO.102 OF 2006
IN
SUMMARY SUIT NO.3609 OF 2007

Hutchison Max Telecom
Pvt. Ltd. ..Plaintiffs.

Vs.

Splendour Gems Ltd. ..Defendants.

And

Kirtilal Manilal Mehta
(HUF) ..Applicant.

Mr.D.D.Madon, Senior Counsel with Mr.Padmaja Dholakia i/b.Dholakia Law Associates for the Plaintiffs.

Mr.F.D.DeVitre, Senior Counsel with Mr.V.R.Dhond i/b.Mr.T.N.Tripathi & Co. for the Applicant.

CORAM : S.J. VAZIFDAR, J.
DATED : 4TH JULY, 2007

P.C. :

Mr.DeVitre makes a statement that certain family concerns have been given only a limited right of permitting the said premises to be mentioned as the administrative offices on their letter heads. He further states that none of the said parties or any other parties have any right, title and/or interest of any nature whatsoever in the said premises.

He further states that the Applicants will file

an affidavit in this Court within one week mentioning the names of the said parties and the undertakings of each of the parties to the effect that they have no right, title and/or interest in the premises and that they shall claim no right, title and/or interest in the said premises.

2. Although prima-facie, it does appear that the Defendant has some interest in the premises. In my view, it is necessary that the Chamber Summons is heard before the ultimate step of the sale of the property is taken.

3. In the circumstances, there shall be an ad-interim order in terms of prayer (b).

4. It is made clear however that the attachment already levied shall continue.

5. It is in view of the aforesaid statements/undertakings that the present ad-interim order is passed.

6. In the event of the said affidavits not being filed within one week from today, liberty to the Plaintiffs to apply.

7. The Prothonotary and Senior Master shall appoint an officer of this Court to visit the suit premises and to make a report as to whether any other parties are also claiming any right in the said premises. The report shall be made within one week from today. The costs of the Commissioner shall be paid in the first instance by the Applicants but subject to final orders in the Chamber Summons.

8. All parties are directed to act on an ordinary copy of this order duly authenticated by the Associate/Personal Assistant.